

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT**

**LOU ANN WETHERBY,  
Plaintiff**

**v.**

**MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,  
Defendant**

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**File No. 1:08-CV-165**

**ORDER**

The Magistrate Judge's Report and Recommendation was filed March 16, 2009. (Paper 12.) After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The Defendant's Motion for Order Affirming the Decision of the Commissioner (Paper 7) is GRANTED. Plaintiff's Motion for Order Reversing the Commissioner's Decision (Paper 4) is DENIED. The Decision of the Commissioner of the Social Security Administration is hereby AFFIRMED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 28<sup>th</sup> day of May, 2009.

/s/ J. Garvan Murtha  
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J. Garvan Murtha  
United States District Judge